



AF *zhu*

[AP32438 – 070121.0425]
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Thomas A. SHREINER et al.
Appln. Serial No. : 09/593,785
Filed : June 14, 2000
Entitled : EXPANSION JOINT COVER WITH MODULAR
CENTER PLATE
Group Art Unit : 3635
Examiner : Chi Q. Nguyen

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Box AF

December 16, 2004

David Loretto
David Loretto (Reg. No. 44,374)

AMENDMENT AFTER FINAL OFFICE ACTION

Sir:

This paper is filed in response to the Office communication dated November 16, 2004, in which the Examiner determined that Applicants' November 2, 2004, reply to the Final Office Action dated December 30, 2003, had failed to place the application in condition for allowance.

In the November 16, 2004, Office communication, the Examiner declined to enter the proposed Amendment After Final--amending claims 1-5, 8-10, 14-16, 19 and 20, and adding new claims 21-26--on the grounds that it raised issues that would require further consideration

OK
to
enter
3/29/2004
CN

and/or search and presented new claims without canceling a corresponding number of finally rejected claims. The Examiner further noted that the amendment was non-responsive because each claim had not been provided with the proper status identifier, thus rendering it impossible to determine the individual status of each claim. The Examiner offered an example of improper status identification, writing that claim 1 should have been identified as “original” and not “currently amended.”

On November 30, 2004, the Examiner notified Applicants, by telephone, that the Appeal Brief did not comply with 37 C.F.R. § 1.192(c), explaining that it improperly referenced new claims 21-26, which had not been entered, and the statement of Applicants regarding the separate patentability of the groups of claims, as required under 1.192(c)(7), was deficient. The Examiner reiterated the improper identification of the status of the claims listed in the Amendment After Final. The Examiner then suggested that Applicants submit a revised and compliant Appellate Brief, with all references to claims 21-26 excised and including a compliant statement of separate patentability, if appropriate, accompanied by a revised Amendment After Final, with new claims 21-26 omitted and the status of all claims properly identified.

Applicants are extremely grateful to the Examiner for taking the time to identify the non-compliant features of the Appellate Brief and Amendment After Final and for providing Applicants with an opportunity to submit a compliant and revised Appeal Brief and Amendment After Final.

Accordingly, pursuant to 37 C.F.R. § 1.192(d), Applicants hereby submit a timely response to the Examiner’s notification of non-compliance, consisting of (a) the present